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The Funding of Packaging Recycling in Ontario:

a Proposal by the
Canadian Industry Packaging Stewardship Initiative
(CIPSI Ontario)

Public Consultation Co-sponsored

by CIPSI Ontario

&

Ontario Ministry of Environment and Energy

June 8, 1994

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1. Introduction

The need to find a long-term funding arrangement for the municipal 'Blue Box' program has been the subject of much public discussion over the last few years. A proposal has been brought forward by industry which has the potential to improve the financial stability of the recycling system and create more markets for recycled materials. Economic incentives for industry to reduce and reuse its packaging are also included in the proposal. This industry-led proposal addresses the role and responsibility of both industry and municipalities in funding Ontario's municipal recycling system.

The Blue Box system

Ontario's blue box residential recycling system is an international environmental success story. First introduced in 1983 as a pilot project in Kitchener, Ontario's recycling program includes more than 80 per cent of all households in the province.

The 'blue box' refers to municipal multi-material recycling programs in Ontario but does not necessarily imply that a blue box is always used. For example, municipalities have also chosen blue bags or other recycling methods.

More than 460,000 tonnes of materials were collected by the 540 municipally-run blue box programs in 1993 (*see figure 1*). The collected materials included steel and aluminum cans, glass containers, plastic soft drink bottles, some other types of plastic containers and film, corrugated cardboard, telephone directories and newspapers. These were re-processed into hundreds of new products.

It currently costs \$86 million a year to run Ontario's blue box system. About 33 per cent of the funding comes from the provincial government; another 39 per cent from municipalities, with the balance consisting of revenues from the sale of materials and direct grants from industry (*see figure 2*).

Ontario has invested in one of the most well-developed recycling infrastructures. New regulations that became law in March 1994 will ensure that by July 1996, all but the smallest Ontario municipalities will provide residents with recycling programs and backyard composting programs.

The CIPSI proposal

The "Canadian Industry Packaging Stewardship Initiative" (CIPSI), would provide an incentive for packaged goods brand owners* to reduce and reuse their packaging, and a mechanism for private sector funding of municipally-run recycling programs. It is a funding solution specially tailored to Ontario's well-advanced recycling programs.

Through a levy system, brand owners of packaged products (i.e. goods that are packaged in such things as glass bottles, cans, paper and plastic) would provide municipalities with funds to support recycling. A provincial government "back drop" regulation would mandate packaging waste diversion activities if a brand owner was not prepared to be part of the CIPSI program.

* *see detailed description on page 12*

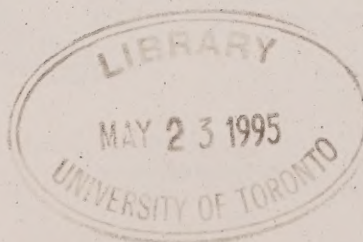


Figure 1

1993 Estimated Diversion Through the Ontario Blue Box System (by Weight)

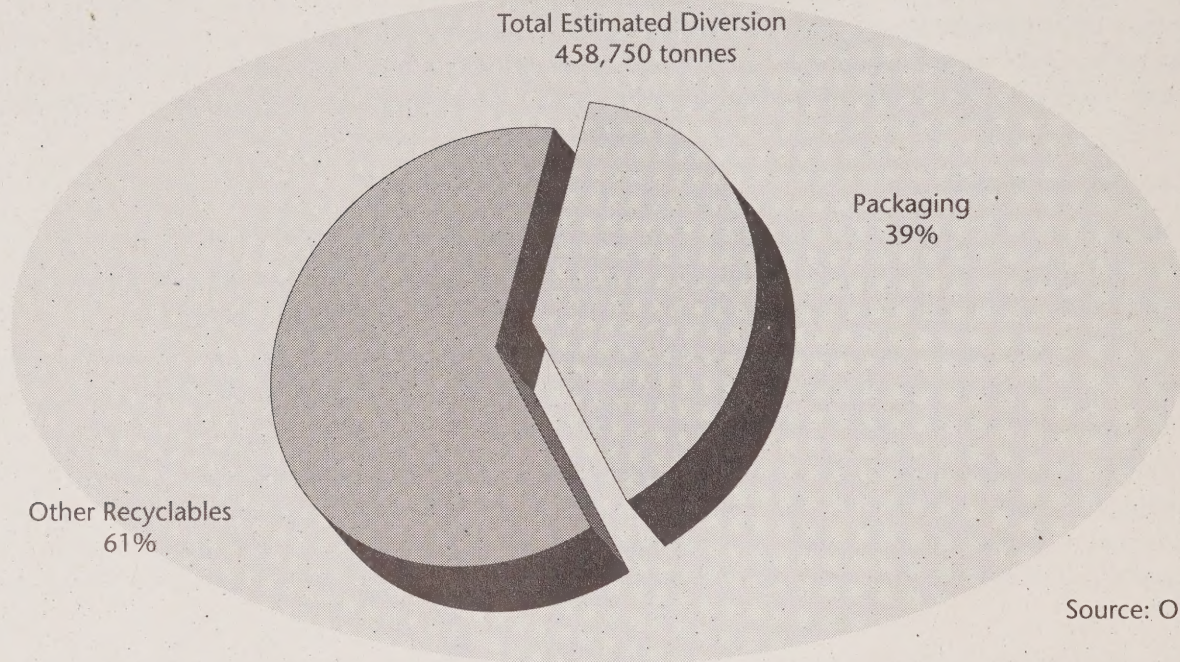
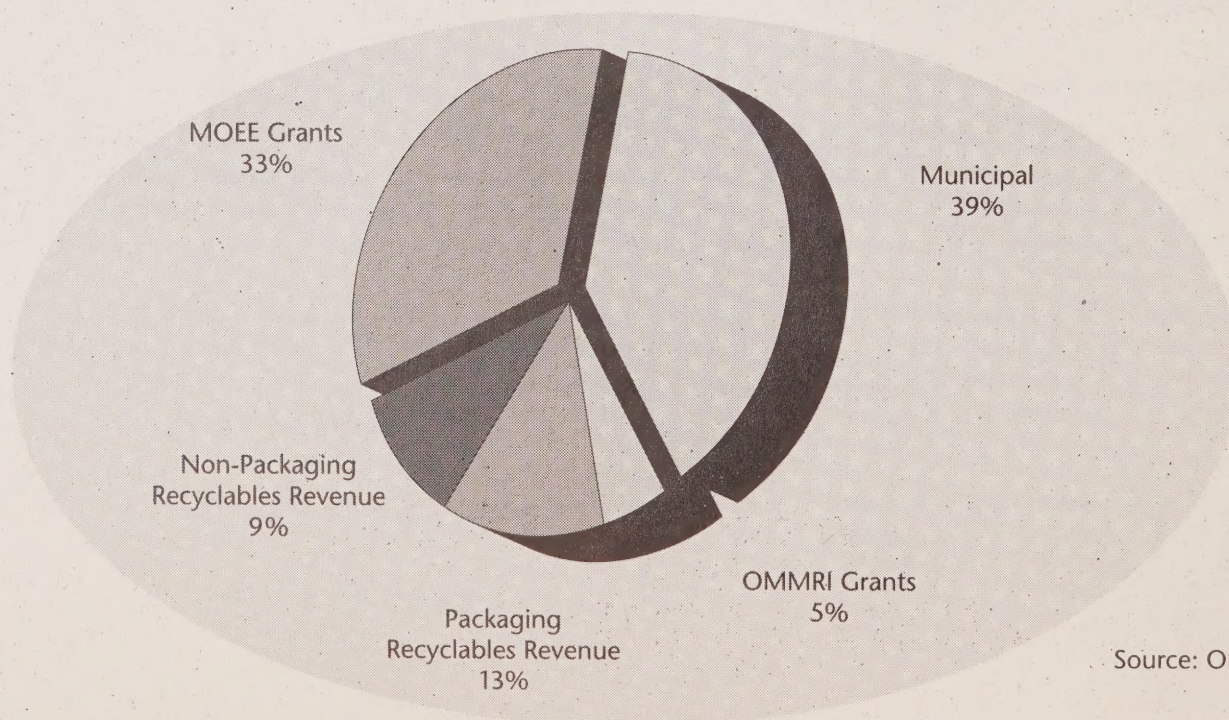


Figure 2

Current Funding of the Ontario Blue Box Program (1993)



Part of an environmental solution

The CIPSI proposal is designed to complement existing recycling and recovery systems. Current refillable packaging systems such as the very successful Brewer's Retail bottle deposit/return programs would continue to exist outside of the CIPSI model.

This proposal is an important step toward packaging stewardship. The trend toward stewardship is growing world-wide. It is based on the view that those who generate waste should bear a share of the costs of the environmental impacts of goods they make or buy. The CIPSI approach represents a move in this direction with its proposal for more equitable distribution of costs for residential recycling (*see figure 3*). While non-packaging paper fibre (i.e. newspapers, magazines, telephone books) is also collected through recycling programs, this proposal addresses only final consumer packaging.

The CIPSI proposal commits the participating industry organizations and the provincial government to work together with municipalities to help achieve the provincial target of at least 50 per cent waste reduction by the year 2000. It also recognizes that the producers of packaged goods share responsibility with consumers and government for the management of their packaging when it becomes municipal waste.

1.1 Getting to this point

In September 1993, the Ontario government and CIPSI began discussions on issues surrounding packaging stewardship and the CIPSI model. Discussions were also held with municipal representatives to examine issues around a municipal share of the funding. The municipal representatives included individuals who were members of both the Association of Municipalities of Ontario (AMO) and the Association of Municipal Recycling Co-ordinators.

1.2 Discussions on this proposal

The Government of Ontario and CIPSI Ontario are co-sponsoring the public review process which will provide 45 days for formal comment. This review process involves distributing this discussion document and background information to a broad range of stakeholders, conducting six public information sessions, participating in several workshops organized by various sectors, and inviting written comment.

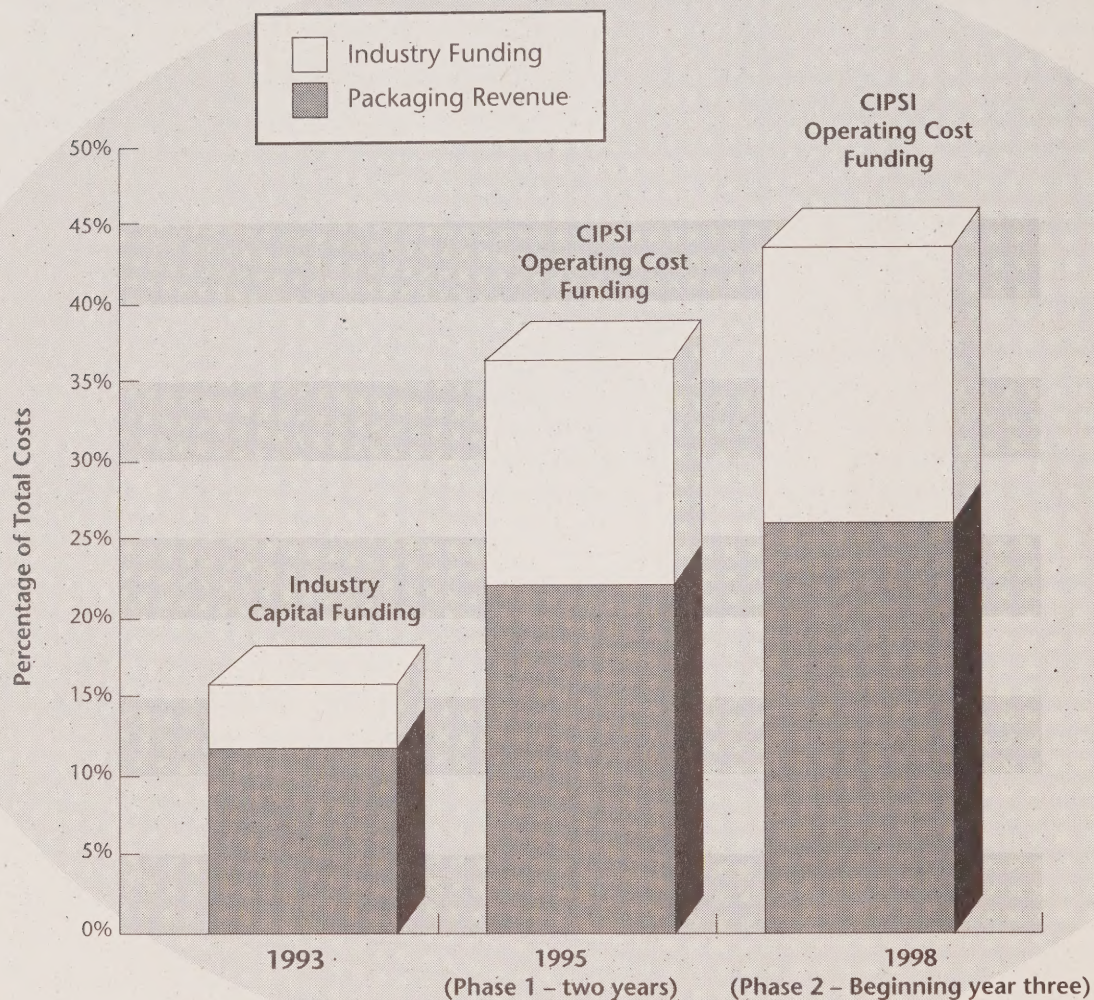
The purpose of the six public information sessions is to clarify the proposal and to have spokespeople available to answer questions. The sessions are scheduled as follows:

- | | |
|----------------------|--------------------|
| • Tuesday, June 21 | Ottawa |
| • Wednesday, June 22 | Sudbury |
| • Thursday, June 23 | Thunder Bay |
| • Monday, June 27 | Metro Toronto |
| • Tuesday, June 28 | Kitchener-Waterloo |
| • Wednesday, June 29 | Windsor |

You can obtain information on the information sessions by calling 1-800-267-9259.

Figure 3

An Estimate of Packaging's Share of Recycling Costs in CIPSI's Proposal (as percentage of total recycling costs)



Source: CIPSI/RIS

*This demonstrates how industry's share of the recycling costs of packaging increases.
By Phase 2, industry's share would reach two-thirds of efficient recycling costs for packaging materials.*

Municipal elected and staff representatives are encouraged to attend these information sessions. In addition, the Association of Municipalities of Ontario will hold further discussions with municipalities on the proposal. For further information contact:

Association of Municipalities of Ontario (AMO)

(416) 929-7573

How to comment:

Written comments on the proposal may be sent to CIPSI or the Waste Reduction Branch, Ontario Ministry of Environment and Energy (MOEE). The addresses are provided on page 15. Comments are welcome up to July 25, 1994.

The MOEE, CIPSI and the AMO will discuss the suggestions made during the public comment period and a final decision will be made in the fall.

For public discussion to be effective, we are seeking public comment on the following questions:

1. Is there agreement that funding recycling systems for packaging is a shared responsibility amongst packaged goods industries and governments?
2. Would the funding formula and the proposed 'transition phase' for packaging help municipalities to enhance the long-term, financial sustainability of recycling systems in Ontario?
3. Would this proposal provide the incentive needed for packaged goods industries to achieve diversion targets and to ensure that markets for recycled materials expand and grow stronger?

The ideas presented in these questions are explained in detail in the following pages.

2. How this document is structured

In this discussion document, you will find the details of the CIPSI Ontario proposal, the principles by which it was developed, how CIPSI would implement the proposal, the role of the province and municipalities, and how other interested parties would be involved in the ongoing decision-making process.

We also explain how municipalities would be funded for the packaging materials collected in residential recycling programs, how industry levies would be assigned and collected and how packaged goods industries and their suppliers would be encouraged to broaden existing, and to develop new, secondary markets for their materials.

3. CIPSI Ontario proposal

3.1 Key principles of the proposal

- **Shared responsibility.** The proposal asserts that packaged goods industries, governments and consumers share responsibility for packaging stewardship.
- **Cost effective.** The proposed system strives to be cost-effective, environmentally-responsible and economically viable.
- **Incentive-based.** The proposal includes market-driven incentives to encourage industry to use recyclable packaging, to encourage the implementation of system efficiencies by municipalities and to ensure market development.
- **Integrated total system.** Recycling solutions for packaging must be flexible and must fit in with other municipal multi-material waste management programs in a manner that is cost effective and minimizes environmental impact.

3.2 Key elements of the proposal

The proposal is based on the following key elements and objectives:

- **50 per cent diversion by 2000:** The overall objective of the proposal is to support the Ontario Government's target of at least 50 per cent diversion of packaging waste from landfill by the year 2000 – consistent with the National Packaging Protocol.
- **Brand owner focus:** The CIPSI proposal asserts that 'brand owners' are responsible for packaging stewardship in the private sector because it is brand owners who determine packaging type and design. When the brand owner is not located in Ontario, the stewardship responsibility would fall on the first company in the province to sell the packaged product.
- **Retailer role:** Responsibility for packaging applied in a store, by or for the consumer, should rest with the manufacturers of the packaging. When packaging stewardship responsibilities fall on retailers who are not the 'brand owner,' CIPSI and the province would ensure effective notice of implementation in an attempt to mitigate the impact.
- **Maximize financial certainty for all:** The proposal promotes the need to lower costs and increase efficiencies in the recycling system. It is a goal to establish financial certainty and stability for municipalities, CIPSI and the province around recycling programs.
- **Level playing field:** All packaged goods industries must demonstrate a commitment to packaging stewardship. This would be ensured through a 'backdrop' regulation requiring that all companies which sell packaged goods in the province must share in the stewardship of that packaging.
- **Building partnerships:** The CIPSI proposal is based on building partnerships with municipalities, environment groups and other parties who have an interest in the diversion of packaging waste from landfill.

3.3 CIPSI and its members

Sponsors

CIPSI's sponsors are a coalition of associations representing Canada's major packaged goods and other related industries, including brand owners, material suppliers, distributors and retailers.

Members, current and potential

Seven industry associations are sponsoring the initiative: Canadian Council of Grocery Distributors (CCGD), Canadian Federation of Independent Grocers (CFIG), Canadian Soft Drink Association (CSDA), Environment and Plastics Institute of Canada (EPIC), Grocery Products Manufacturers of Canada (GPMC), Packaging Association of Canada (PAC) and the Retail Council of Canada. The CIPSI proposal has been discussed with dozens of other organizations and major companies.

In addition, 14 other organizations in the food, packaging, hardware and drug industries, as well as the United Food and Commercial Workers International Union, have added their names to CIPSI's list of supporters. And in the last few months, CIPSI has involved other industry sectors by sponsoring information sessions for nearly 100 industry representatives.

Final consumer packaging

The CIPSI proposal specifically addresses the packaging most often managed through the municipal solid waste system. Referred to as "final consumer packaging," it includes, but is not limited to packaging needed for:

- foods, beverages (including alcoholic beverages), tobacco products, drug products, cosmetics, personal care products (including toiletries and paper products), toys, apparel, jewellery, household products, hardware, housewares, appliances and electronics.

Final consumer packaging is that which is used for products sold to individual consumers which includes, but is not limited to householders, patients, inmates and food service patrons.

3.4 Roles and Responsibilities – CIPSI, Ontario Government and municipalities

3.4.1 What would CIPSI do to implement the plan?

Within three months of the promulgation of the backdrop regulation, an Ontario-based organization would be established and a board of directors appointed. For the purposes of this document, the organization would be referred to as the Canadian Industry Packaging Stewardship Organization (CIPSO).

The Board of Directors would be chosen from among its members to be representative of various industry sectors according to procedures set out in the by-laws. The Board would be responsible for ensuring that the mandate of CIPSO is carried out. This includes:

- raising the funds to cover payments to municipalities;
- providing payments to municipalities;
- funding research and market development for recovered packaging materials and packaging materials not currently collected;
- encouraging packaging reduction through incentives;
- establishing audits to ensure members submit the proper levies and reporting structures to indicate how obligations would be met;

- conducting administrative and other duties, setting policy, creating working committees;
- liaison with municipalities, parallel organizations in other provinces, and the national organization; and
- helping to facilitate the work of the Management Forum and Stewardship Council (*a full description of these two bodies follows on page 11*).

3.4.2 What would the Ontario Government do to implement the plan?

Through a regulation, the Ontario Government would require all who are responsible for introducing packaged products to the marketplace to take action to divert that packaging from disposal, either through reuse or recycling. Two alternatives would be available: provision of financial support to municipal recycling programs by joining CIPSO, or management through a reuse or recycling program other than the public system.

The role of the government would be to:

- receive packaging waste diversion plans and reports from those brand owners who do not join CIPSO but, instead, implement their own systems;
- consider participation in market development projects to increase the demand for recycled materials;
- monitor CIPSO operations by receiving regular reports on CIPSO membership, levies received, payments to municipalities, and market development projects and initiatives; and
- enforce the backdrop regulation.

3.4.3 What would municipalities do to implement the plan?

Municipalities would be responsible for:

- collecting and processing final consumer packaging materials;
- funding part of the costs for collecting and processing final consumer packaging materials (*see following section*);
- having representatives participate in the Management Forum which would establish the operating cost standard and revenue factor (*for definitions, see the next section*);
- having representatives participate in the Stewardship Council; and
- providing local education and promotion of the municipal multi-material recycling program.

3.5 Payments to municipalities: CIPSI funding formula

The ultimate goal is to have payments to municipalities based on the true cost of recycling packaging materials. In order to reach this goal a two-phased approach to implementation is required.

Phase 1 (two-year transition period)

- At the beginning of Phase 1, an audit process would be initiated to determine what it costs municipalities in Ontario to collect and process packaging. Audits would analyze the costs of more efficient programs in a reference group of municipalities representative of the diversity of communities in Ontario. The reference group would take into account rural, urban, north, south, large and small situations, and whether services are delivered by the public or private sector.
- An important element of Phase 1 is that it allows time for system cost reduction efforts.
- In Phase 1 of the program, CIPSO would pay municipalities \$65 per tonne for all “qualifying” packaging materials.
- “Qualifying packaging” includes all final consumer packaging collected in Ontario and shipped for recycling. Before any new packaging material is eligible for industry funding, MOEE and CIPSO must agree that a long-term secondary market exists.
- The payment to municipalities is industry’s share of costs. This ‘top-up’ is paid only when the packaging material is collected and processed.

Phase 2 (funding based on true cost of packaging materials)

- In Phase 2, the CIPSI proposal effectively holds the municipal share to one-third of the gross cost to manage packaging efficiently. CIPSO would pay municipalities for each packaging material, based on its “true cost” to be managed in the recycling system.
- The funding formula to determine the amount paid to municipalities for materials would be the result of the following calculation:

CIPSI FUNDING FORMULA

Operating Cost Standard

minus

Revenue Factor

minus

Municipal Share

equals

Industry Payment to Municipalities

The Management Forum (*see next section*) would establish both the operating cost standard and the revenue factor.

- The **operating cost standard** is the efficiency benchmark established for each material.
- The **revenue factor** takes into account both average revenues received by municipalities and prevailing market prices for secondary materials, which would be established as a **revenue standard**. The goal over time is to move closer to the revenue standard.
- The **municipal share** is defined as one-third of the operating cost standard for packaging. This aspect has been discussed with representatives of numerous municipalities and it would ensure municipalities have a stake in reducing costs of recycling systems for which they have a direct responsibility.

What happens if there is no consensus on true costs?

The proposal includes a default formula to ensure that industry funds would continue to cover packaging's share of recycling costs in Phase 2.

EXAMPLE OF PHASE 2 FUNDING (per tonne)

This is a theoretical example using Material "X" to help demonstrate how the Phase 2 funding formula would work.

1. Determining Municipal Share of Packaging Material "X"

Operating Cost Standard (OCS)	= \$240
Municipal Share (1/3 of OCS)	= \$80

2. Determining CIPSO Share of Packaging Material "X"

Operating Cost Standard	\$240
Revenue Factor *	- \$70
Municipal Share	- \$80
CIPSO share	= \$90

3. Municipal Impact

Municipality "A"	
Actual costs	\$255
Revenues received	-\$72
CIPSO share	-\$90
Net Cost to municipality	= \$93

Municipality "B"	
Actual costs	\$ 225
Revenues received	- \$65
CIPSO share	-\$90
Net Cost to municipality	= \$70

A municipality's total cost would depend on its own cost above or below the operating cost standard and its actual revenues.

* This amount is to be determined by the Management Forum.

3.6 The relationship of key partners in the decision-making process

CIPSI believes stakeholders should be able to participate in the decision-making process to provide a wider perspective. For example, the involvement of packaging material suppliers is critical in terms of market development opportunities, system cost-reductions, and developing new technologies in packaging materials.

To ensure this broader participation, CIPSI proposes three inter-related organizations – the Management Forum, the Stewardship Council and the CIPSO Board of Directors who, together, would co-ordinate the overall funding program.

- The Management Forum's responsibilities are to determine operating cost standards and revenue factors; to consider issues referred by CIPSO or the Stewardship Council; to provide advice to CIPSO; and to establish working level committees to carry out tasks within its mandate.

The Forum would comprise one non-voting member elected by the Stewardship Council and 13 voting members selected as follows: six by CIPSO, six by the Association of Municipalities of Ontario and a voting chairperson appointed by CIPSO, in consultation with AMO. Decisions would be reached by a simple majority vote; nine members would represent a quorum; members would be appointed for two years.

- The Stewardship Council would provide broad involvement of Ontario stakeholders. The members would reflect the diversity of interests in Ontario's recycling system, representing the views of environmental groups, packaging suppliers, municipal associations, labour unions, consumers, industries and others. The Council would be responsible for the election of a non-voting member to the Management Forum, consideration of such issues referred to it by CIPSO and the Management Forum and the provision of advice to those bodies.

Twelve members would sit on the Council: four appointed by CIPSO, four appointed by the Association of Municipalities of Ontario (AMO) and four appointed jointly by those two bodies.

CIPSO Partnerships and Responsibilities

Management Forum

- Key consensus forum:
- considers audit results
 - determines operating cost standards & revenue factors
 - establishes working-level committees
 - 14 members: 6 AMO, 6 CIPSO, 1 chair, 1 non-voting (from Council)

Stewardship Council

- advisory body
- multi-stakeholder
- elects member to Management Forum
- 12 members: AMO appoints 4, CIPSO appoints 4, 4 jointly appointed

CIPSO Board

- sets/collects levies from industry
- makes payments to municipalities
- manages market development
- elected from brand owner members

3.7 How would CIPSO work?

3.7.1 Who should join CIPSO Ontario?

All brand owners of packaged goods using final consumer packaging sold in Ontario should consider joining CIPSO. Companies which choose not to join would be required to establish and fund a method of diverting at least 50 per cent of their packaging materials from disposal. Brand owner is generally defined as:

1. the owner or licensee of intellectual property rights to packaged goods;
2. the importer/first seller; and
3. with respect to in-store packaging, the company which manufactures packaging material to be applied at store-level.

3.7.2 Raising the funds:

- **Funds would be collected** through levies which brand owners would pay in two phases. Phase 1 covers the first two years. Phase 2 would be on-going beginning year three.
- **Phase 1:** Brand owners that use consumer packaging would pay a levy of \$24 a tonne based on the weight of the final consumer packaging for products sold in the province. During Phase 1, companies would be eligible for a rebate depending on the provincial recycling rates for the packaging materials they use.

During this two-year phase, the true cost of managing each individual packaging type would be assessed on a material-specific basis, based on the actual cost of handling and recycling that particular material. This information would be used to establish the levy that would be applied in Phase 2.

- **In Phase 2,** levies would be assessed on a material specific basis. It is expected that, on average, levies would be higher than in Phase 1. CIPSO would monitor the actual costs incurred to manage each material type so that accurate variable levies could be charged.

CIPSI has developed a set of objectives aimed at helping to establish levies in Phase 2. The primary objective is to encourage expansion of individual and overall capture of materials for reuse or recycling. Other objectives include: to minimize the cost of the system; to minimize overall environmental impact; to ensure that each material is making a fair contribution to overall system funding; and to encourage the parallel goal of source reduction. CIPSI has developed several models through which CIPSO can establish these levies, based on information relating to the true cost of managing each packaging material.

During discussions with CIPSI in late 1993, the Ontario Government proposed a default formula. This formula would be used to calculate Phase 2 levies, in the event of no consensus being reached on how to allocate true costs by material. The default formula calculates an average levy, based on the total packaging obligation to municipalities. This average fee is then adjusted up or down depending on the effective recycling rate for each material.

3.7.3 Industry Market Development – Incentives

Because the amount of the levy is based on the amount of final consumer packaging used, brand owners are encouraged to reduce packaging waste in order to reduce their levy.

In Phase 1, members of CIPSO would be eligible to receive rebates of up to 50 per cent of their levy based on the average rate at which the particular packaging material is collected and recycled.

Because the levy applies only when packaging first enters the marketplace (or not at all if a brand owner has set up a separate system to divert packaging from disposal) brand owners are motivated to consider reuse options.

For example, packages that are reused by the consumer – such as refillable liquid soap containers – would be levied when they are first sold in Ontario but would have the advantage of avoiding the levy every time the package is reused. The refill pouch would carry a lower levy because it weighs less. Use of this type of packaging represents a direct saving to both the consumer and the brand owner, providing an economic incentive to move to reusable packaging.

CIPSI places significant financial emphasis on market development because the overall objective of the strategy is to develop strong, sustainable markets for more materials, thereby lowering recycling system costs. CIPSI recommends that new materials not be collected until markets for these are developed.

Markets would be developed by finding new, improved or expanded uses for recycled packaging materials; by developing new or improved methods for processing or marketing these materials and by promoting policies and programs which support increased demand for secondary materials. CIPSO would also define and publish on a regular basis a revenue standard for each packaging material group which would reflect optimum and prevailing market prices.

4. Implementing the proposed packaging stewardship system: the backdrop regulation

A packaging stewardship regulation would require packaging stewards (all brand owners and importers of packaged products) to divert at least 50 per cent by weight of their final consumer packaging waste from disposal using their own reuse or recycling systems every year. Alternatively, they could use the municipally-run recycling system, in which case, they must contribute to the industry-managed fund (CIPSO), which would provide financial support to municipal programs.

Municipalities would be eligible to receive payments from CIPSO based on eligible packaging starting nine months after the regulation becomes law.

4.1 Regulatory Framework

A backdrop regulation supporting the program would apply to all retail and food service “final consumer packaging” whether domestic or imported. The regulation would require brand owners or the first person to sell the packaged product in Ontario to take stewardship responsibility for the packaging whether domestic or imported.

If a company chooses not to participate in CIPSO, it would have to demonstrate to the provincial government that it would take stewardship responsibility for its own final consumer packaging materials through a separate system. Non-CIPSO brand owners would not have access to the municipal recycling system.

Brand owners may choose to join the CIPSO-managed fund to help support Ontario's multi-material recycling system. As long as CIPSO complies with the requirements of its agreement with the Government of Ontario, and the brand owner remains a "member in good standing" in CIPSO, the brand owner would be exempt from the regulatory requirement described below.

Regulatory Requirement

- Every year a packaging steward would have to divert from disposal 50 per cent by weight of the final consumer packaging used in that year. The packaging steward can do it through a private system that reuses and/or recycles the packaging.
- The packaging steward would have to submit a "waste management plan" to the Ministry of Environment and Energy indicating how the 50 per cent objective would be reached. The plan must be submitted within three months of the backdrop regulation becoming law, or when the company becomes a packaging steward.
- The waste management plan would have to be fully implemented within three months of submitting it to the MOEE.
- The packaging steward would have to submit a report on the implementation of the plan to the MOEE within six months after the date required for the submission of a waste management plan, and then every six months after that.

If a retailer is also a packaging steward for certain types of products (for example, a retailer directly importing anything from outside the province), the retailer would have to comply with the regulatory requirements regarding those products. If they did not submit a plan or join CIPSO for those products, they would be prohibited from selling those packaged products in Ontario. This would take effect within 90 days of receiving notice from the MOEE.

5. Proposed implementation schedule

	CIPSO Members	Non-CIPSO Members
1. Regulation promulgated
2. Within three months after regulation promulgated	Brand owners indicate intent to join CIPSO	Submit plans to MOEE
3. At the end of six months after promulgation	1st quarter levies due	Implement plans
4. At the end of nine months	Municipalities start eligibility for Phase 1 funding	Report to director (and every 6 months after)

6. How to participate

- **Submit your comments concerning the proposal.** Comments may be submitted in writing to the Ministry of Environment and Energy or the Canadian Industry Packaging Stewardship Initiative (*addresses provided below*).
- **Attend one of the information sessions.** You do not need to reserve a seat. Any one who is interested in Ontario's recycling system, waste management and packaging stewardship is welcome. Watch your local newspapers or call 1-800-565-4923 or 1-800-267-9259 for information on the meetings which run from June 21 to June 29.
- **Municipal Sector Regional Workshops.** Immediately following the release of this consultation paper, the Association of Municipalities of Ontario will be sending information to its members about the municipal workshops it will be conducting in July as part of its discussion with municipalities on the proposal.

7. Where to get more information

In addition to this discussion paper, the technical document is available.
Call **1-800-267-9259** or **1-800-565-4923**.

8. Where to send comments

CIPSI,
c/o 885 Don Mills Road, Suite 301
Don Mills, Ontario
M3C 1V9

Waste Reduction Branch,
Ontario Ministry of Environment and Energy,
135 St. Clair Avenue West,
Toronto, Ontario M4V 1P5

